Devon, England" to John Beauchamp and Thomas Leverett, and their heirs and assigns. *Held*, that these books were rightly admitted. *Lazell* v. *Boardman et al.* (1907), — Maine —, 69 Atl. Rep. 97.

Any approved public and general history is admissible to prove ancient facts of a public nature. *McKinnon* v. *Bliss*, 21 N. Y. 206; *Corn* v. *Alburger*, 1 Whart. 469; *Bogardus* v. *Trinity Church*, 4 Sandf. Ch. 675. Such facts will be judicially noticed where they affect the whole people. *Ashley* v. *Martin*, 50 Ala. 537; *Simmons* v. *Trumbo*, 9 W. Va. 358. It has been held that county histories are not admissible. *Evans* v. *Getting*, 6 C. & P. 586; *McKinnon* v. *Bliss*, supra. In *McKinnon* v. *Bliss*, the court said, "History is only admissible to prove history, that is, such facts as being matters of interest to a whole people, are usually incorporated in a general history of the state or nation." See also 1 GREENL; EVIDENCE, § 497.

EXTORTION—INDICTMENT—SUFFICIENCY.—The defendant was indicted for extortion. It appeared that certain persons were the proprietors of a restaurant in which intoxicating liquors were sold. To keep such a restaurant, a license had to be obtained from the Board of Police Commissioners. The indictment alleged that the defendant threatened that the proprietors would lose their license unless he was paid certain sums of money. *Held*, that the indictment did not charge any offense under the laws of California. *People* v. *Schmitz* (1908), — Cal. —, 94 Pac. Rep. 419, 407.

Under the laws of California, so far as is material to the principal case, to commit extortion one must obtain property from another with his consent under threats of doing unlawful injury to his property. See PENAL CODE, §§ 518, 519. It is argued that the defendant would have had a right by fair persuasion to have caused the license to be revoked. Hence there was no *"unlawful injury"* threatened. It was not alleged that the defendant threatened to use any means beyond fair persuasion. This distinguishes the principal case from *People* v. *Hughes*, 137 N. Y. 29, 32 N. E. 1105. But see *People* v. *Baronness*, 133 N. Y. 649, 31 N. E. 240. The question resolves itself into the much mooted one as to whether malice will render an otherwise lawful act unlawful. It is contended that California has answered the question in the negative. *Boyson* v. *Thorn*, 98 Cal. 578, 33 Pac. 492, 21 L. R. A. 233. See also *Raycroft* v. *Tayntor*, 68 Vt. 219, 35 Atl. 53, 54 Am. St. Rep. 882, 33 L. R. A. 225; *Phelps* v. *Nowlen*, 72 N. Y. 39; *Chambers & Marshall* v. *Baldwin*, 91 Ky. 121, 34 Am. St. Rep. 165; COOLEY ON TORTS, 3rd ed. Vol. 2, pp. 1503, 1505-9. 1 CYC. 651. But on the other hand, see *Chesley* v. *King*, 74 Me. 164; *Keeble* v. *Hickeringill*, 11 East 574. See also *dicta* in *Roath* v. *Driscoll*, 20 Conn. 532; *Swett* v. *Cutts*, 50 N. H. 439. See AMES, CASES ON TORTS, Vol. 1, p. 750. For a general discussion of the question, see 8 HARV. LAW REV., pp. 1-14. See also 1 MICH. LAW REV., 28.

IMPRISONMENT FOR DEBT—SOLITARY CONFINEMENT.—This was a writ of certiorari to review the decision of the Allegan County Circuit Court in dismissing a petition for mandamus. Relator was held by respondent sheriff